

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BILLY JOE MCCLANAHAN,

Plaintiff,

V.

COMMISSIONER OF SOCIAL  
SECURITY.

Defendant.

Case No. C19-5446 BHS

**ORDER DENYING  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS**

Plaintiff Billy Joe McClanahan applies to proceed *in forma pauperis* (“IFP”) for an action seeking judicial review of the administration denying Plaintiff’s application for Social Security benefits. IFP Appl. (Dkt. 1). For the reasons discussed below, the Court DENIES Plaintiff’s IFP application.

The district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigence. See 28 U.S.C. § 1915(a). “To qualify for *in forma pauperis* status, a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the claims he or she seeks to pursue are not frivolous.”

*Ogunsalu v. Nair*, 117 F. App'x 522, 523 (9th Cir. 2004), *cert. denied*, 544 U.S. 1051 (2005). To meet the first prong of this test, a litigant must show that he or she “cannot because of his poverty pay or give security for the costs and still be able to provide

1 himself and dependents with the necessities of life.” *Adkins v. E.I. DuPont de Nemours*  
2 & Co., 335 U.S. 331, 339 (1948) (internal alterations omitted).

3 Plaintiff has not shown that he is unable to pay the full filing fee to proceed with  
4 this lawsuit. Plaintiff reports that he has received \$66,924.00 in the past twelve months  
5 from various sources. IFP Mot. at 1. Plaintiff owns multiple vehicles worth over  
6 \$50,000.00 combined, as well as a \$14,000.00 travel trailer. *Id.* The purpose of IFP  
7 statutes is to provide indigent litigants access to court, not to subsidize litigants who have  
8 ample resources to cover the \$400.00 filing fee. Plaintiff has failed to demonstrate that  
9 he “cannot because of his poverty pay or give security for the costs and still be able to  
10 provide himself . . . with the necessities of life.” *See Adkins*, 335 U.S. at 339 (internal  
11 alterations omitted).

13 Accordingly, the Court DENIES Plaintiff’s IFP application. Plaintiff has 30 days  
14 from the date of this order to pay the full \$400.00 filing fee. If the Court does not receive  
15 the filing fee within 30 days, the Court will dismiss this action without prejudice.

16 DATED this 30th day of May, 2019.

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21 BENJAMIN H. SETTLE  
22 United States District Judge  
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